IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

CONTEMPT PETITION NO.89 OF 2007
IN
SUIT NO.2028 OF 2005

Kishore B. Nagpal ..Petitioner.
Vs.
Jethanand Bhagwandas Nagpal ..Respondent.

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Mr. P.R. Modi with Mr. Amit Jajoo i/b M/s.N.C. Dalal & Co. for the Petitioner.
Mr. Sanjay Jain i/b I.C. Legal for the Respondent – Original Defendant No.3.

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CORAM: **DR. D.Y. CHANDRACHUD, J.**

11th December, 2007.

P.C. :

1. The breach in the present case is of the order dated 9th March, 2007 which was confirmed in appeal on 4th June, 2007. The order of the Learned Single Judge makes the Notice of Motion absolute in terms of prayer clause (f) which reads as follows :

> "(f) That pending hearing and final disposal of the suit, this Hon'ble Court be pleased to order and direct Defendant Nos.3 to 7 to render true, full and complete accounts of the 1st and 2nd Defendant partnership firms and to give free access and right of inspection/ copies to the Plaintiffs in respect of all documents and records pertaining to the business and assets thereof."

2. There were two partnership firms viz. the First Defendant and the Second Defendant. Counsel appearing for the Third Defendant against whom relief was granted by the order dated 9th March, 2007 states that insofar as the First Defendant is concerned, the Third Defendant has no other document, save and except for a copy of the deed of dissolution, inspection whereof was offered to the Petitioner. Insofar as the second Defendant is concerned, learned counsel states that the Third Defendant is not in possession of any further documents relating to the accounts, business and assets of the firm save and except for those documents of which inspection has been offered to the Petitioner and of which copies were furnished. The Third Defendant has acquired purportedly the shares of the Eighth and/or Ninth Defendants and it has been stated by counsel appearing for the Third Defendant that without prejudice to the submission of the Third Defendant that the documents relating to the acquisition of the aforesaid shares does not fall within the purview of prayer clause (f) of the Notice of Motion, the Third Defendant does not in any event have any documents pertaining to the retirement/ acquisition in relation to Defendants 8 and 9 since the documents are not traceable. Counsel appearing for the Third Defendant

further states that if at any stage further documents come in the custody or control of the Third Defendant, inspection thereof shall forthwith be offered to the Petitioner together with copies of the documents. In view of the aforesaid statement, no further directions or reliefs are sought in the Petition which is accordingly disposed of.